

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

- v -

No. 1:11-CR-103
(TJM/RFT)

DAVID R. KARPEN, JR.

Defendant.

RANDOLPH F. TREECE

United States Magistrate Judge

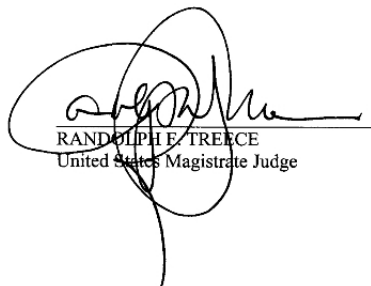
MODIFICATION OF CONDITIONS OF RELEASE ORDER

On March 17, 2011, Conditions of Release were set, which included home detention and electronic monitoring. Dkt. No. 2, Order. On August 10, 2011, the Court issued a Memorandum-Decision and Order (MDO) finding the Adam Walsh Act Amendments unconstitutional and further modifying Karper's Conditions to the extent that home detention and electronic monitoring shall be discontinued. Dkt. No. 13, MDO at p. 20. However, after being advised that the Government intends to appeal the MDO, this Court granted a stay of the MDO. Dkt. No. 16.

While an appeal may be pending and the stay is in effect, the Court, following the instructions provided by the Eight and Ninth Circuits, *United States v. Peeples*, 630 F.3d 1136 (9th Cir. 2010) and *United States v. Stephens*, 594 F.3d 1033 (8th Cir. 2010), Karper's Conditions of Release are modified as follows: Karper is relieved of being subjected to home detention (7(w)) and he is now placed on a curfew at his residence which runs from midnight to six a.m. every day 7(v)). Karper may be allowed off of curfew for any activity as pre-approved by Pretrial Services or the Court. Electronic monitoring (7(x)) remains in effect.

IT IS SO ORDERED.

August 15, 2011
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge